

ORDINANCE NO. 2127

AN ORDINANCE DEALING WITH THE DEPTHS, WIDTHS AND BOUNDARY DETERMINATIONS OF COUNCIL GROVE LAKE LEASEHOLDS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS:

Section 1. PURPOSE. The purpose of this Ordinance is to clarify depths, widths and boundary determination procedures and repeal ordinances which are inconsistent herewith.

Section 2. DEFINITIONS.

- A. Standard Water Level. Standard water level shall mean the level of water in the lake when it is full, not running over the spillway, but at spillway level.
- B. Building. Building shall mean any dwelling or portion thereof that is used, designed or intended for use of human habitation for living, sleeping, cooking or eating purposes or any combination thereof. Additions to a building, such as a deck, are considered part of a building.
- C. Accessory Structure. A structure, the use of which is customarily accessory to and incidental to that of the dwelling and which is located on the same leasehold. These structures are commonly used as garages, boat houses, picnic shelters, carports, cabanas, storage sheds and tool sheds.

Section 3. DEPTH OF LEASEHOLDS. Cabin sites shall be 150 feet in depth measured from the standard water level. However, in the event that any leasehold, as of August 1, 2011, contained a building or accessory structure situated above the ground beyond the 150 feet depth, then the leasehold shall extend to the point of the building or accessory structure furthest from the lake frontage plus 5 feet from the drip line. However, if any accessory structure is situated as such to exist beyond any access roads, then such leaseholds shall not include the access road, but will include a separate area beyond the access road, the footage of such to be equivalent to the drip line of such accessory structure.

Section 4. WIDTHS OF LEASEHOLDS. As of the date of this Ordinance, most leasehold widths have been determined by unappealed boundary markings, boundary agreements or decisions by the Boundary Board of Appeals. The standard width of a leasehold shall be seventy-five (75) feet, however in making side boundary determinations the City's designated agent shall take into consideration the criteria listed in this section. This list is non-exclusive, and other criteria may be considered. The weight to be given to any criteria shall be determined by the City's designated agent. The appeals board shall also consider this list of non-exclusive criteria when hearing appeals, and may weigh the criteria as they deem appropriate. The non-exclusive list of criteria includes:

- (a) prior agreements and understandings of adjoining leaseholders;
- (b) prior usage and expectations of adjoining leaseholders;
- (c) the physical configuration of lots;
- (d) equitable division of lake frontage and access;
- (e) ingress and egress to leaseholders;
- (f) any other factors deemed appropriate.

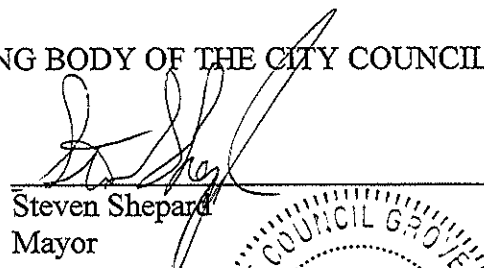
Section 5. REPEAL. Ordinance Numbers 2092 and 2108 are hereby repealed.

Section 6. EFFECTIVE DATE. This Ordinance takes effect upon its publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY COUNCIL
ON THIS 4th day of June, 2013.

ATTEST:


Danny Matthews City Administrator


Steven Shepard
Mayor

